

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jan 31, 2024**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Marilou Martinez

Case Number: 0980 4:20CR06029-SAB-7

Address of Offender: [REDACTED] Othello, Washington 99344

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: April 14, 2022

Original Offense: Conspiracy to Provide Prohibited Objects to an Inmate of a Prison, 18 U.S.C. § 371

Original Sentence: Prison - 3 days  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Ian Lloyd Garriques

Date Supervision Commenced: April 14, 2022

Defense Attorney: Nick Mirr

Date Supervision Expires: April 13, 2025

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**PETITIONING THE COURT**

To issue a summons.

On April 20, 2022, supervised release conditions were reviewed and signed by Ms. Martinez acknowledging an understanding of her conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<p><b><u>Special Condition #4:</u></b> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p>
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**Supporting Evidence:** Ms. Martinez is alleged to have violated her conditions of supervised release by consuming a controlled substance, amphetamine/methamphetamine, on or before October 19, 2023.

On October 18, 2023, during a home visit, Ms. Martinez submitted to a urinalysis (UA). The UA was dilute and presumptive positive for amphetamine/methamphetamine. Ms. Martinez initially denied consuming the controlled substance. However, after she was reminded of her condition to be truthful and was informed the UA would be sent to the laboratory for confirmation, Ms. Martinez expressed to this officer that she consumed methamphetamine on October 9, 2023. The offender was instructed to report to the probation office on October 19, 2023, and provide a valid UA.

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On October 19, 2023, Ms. Martinez reported to the probation office as instructed and submitted to a UA. The UA was presumptive positive for amphetamine/methamphetamine. The offender signed a drug use admission/denial form admitting to consuming the controlled substance on October 9, 2023. The sample was sent to Alere Toxicology Services, Incorporated (Alere) for confirmation. On October 26, 2023, Alere reported Ms. Martinez' UA to be confirmed positive for amphetamine/methamphetamine.

- 2      **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Ms. Martinez is alleged to have violated her conditions of supervised release by consuming a controlled substance, amphetamine/methamphetamine, on or before November 28, 2023.

On October 19, 2023, Ms. Martinez was placed on the random drug testing program at Merit Resource Services (Merit).

On November 28, 2023, Ms. Martinez reported to Merit and provided a UA which returned presumptive positive for amphetamine/methamphetamine. The sample was sent to Alere for confirmation. On December 6, 2023, Alere reported Ms. Martinez' UA to be confirmed positive for amphetamine/methamphetamine.

On December 22, 2023, Alere reported that Ms. Martinez' prescribed medication would not cause a positive confirmation UA result for methamphetamine.

- 3      **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Ms. Martinez is alleged to have violated her conditions of supervised release by consuming a controlled substance, amphetamine/methamphetamine, on or before January 8, 2024.

On January 22, 2024, Ms. Martinez' substance abuse counselor at Merit contacted this officer and advised the offender submitted a positive UA for amphetamine/methamphetamine on January 8, 2024. She expressed the offender denied use and indicated the positive result was due to her prescribed medication. Therefore, the UA was sent to Merit's contracted laboratory for confirmation. On January 16, 2024, Merit's contracted laboratory reported Ms. Martinez' UA was confirmed positive for amphetamine/methamphetamine and not conducive with the offender's medication.

On January 26, 2024, Merit expressed to this officer that a second medication inquiry had been submitted to their national laboratory. On January 30, 2024, Merit advised this officer that their national laboratory again confirmed Ms. Martinez' prescribed medication would not result in a confirmed positive result for methamphetamine.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: s/Araceli Mendoza

January 30, 2024

Araceli Mendoza  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

1/31/2024

Date